

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

ANGELA MCCAA and JERRY MCCAA,

Plaintiff,

vs.

ALBERT R. "BUDDY" EASTERLING, JR.;
KAREN EASTERLING; EASTERLING
ACQUISITIONS, LLC; ANDREA
HOOPER; and NATHAN LEWIS,

Defendants

Case No. _____

ORIGINAL COMPLAINT

Plaintiffs Angela McCaa and Jerry McCaa, on information and belief, allege and state the following:

1. This Court has jurisdiction insofar as Plaintiffs bring claims against the Defendants under 42 U.S.C. § 1983.
2. Venue is proper insofar as Defendants Albert R. "Buddy" Easterling, Jr., Karen Easterling, Easterling Acquisitions, LLC, Andrea Hooper, and Nathan Lewis are located in the Amarillo Division of the U.S. District Court of the Northern District of Texas.
3. Venue further is proper because the acts relevant to this complaint occurred in the Amarillo Division.

Parties

4. Plaintiffs Angela McCaa and Jerry McCaa are husband and wife. They are petroleum landmen, and they reside in Grimes County, Texas.
5. Defendants Albert R. "Buddy" Easterling, Jr. and Karen Easterling are husband

and wife. They own Defendant Easterling Acquisitions, LLC, for whom the Plaintiffs previously worked. The Easterlings reside at 156 Dolphin Terrace, Lake Tanglewood, Texas 79118.

6. Defendant Easterling Acquisitions, LLC (the “Company”) is a limited liability company organized under the laws of Texas. The Company primarily acquires leases and rights-of-way for oil and gas companies. The Company’s address is 1619 South Kentucky Street, Building A, Suite 201-B, Amarillo, Texas 79102.

7. Defendant Andrea Hooper was an employee of the Company at all times relevant.

8. Defendant Nathan Lewis is a police officer in the City of Perryton, Texas.

Factual Allegations

9. On August 21, 2008, the Plaintiffs sued all the Defendants named herein, except Defendant Lewis, in *Angela McCaa, et al. v. Albert R. “Buddy” Easterling, Jr., et al.*, Case No. 4:08-cv-2564 (S.D. Tex.). The City of Perryton also was named as a defendant, as were two unnamed Perryton police officers. *McCaa* was transferred to this Court on December 31, 2008 and is currently pending as Case No. 2:09-cv-4. The City of Perryton and the two unnamed officers (one of whom was later identified as Defendant Lewis) subsequently were dismissed *without prejudice* by agreement of the parties. The Plaintiffs subsequently moved to amend their complaint to bring claims against Defendant Lewis, but this Court denied the motion with respect to Defendant Lewis.

10. The Plaintiffs incorporate by reference their pleadings from Case No. 2:09-cv-4 (the “Original Case”). In the Original Case, the Plaintiffs alleged that the Easterlings, their Company, and their employees humiliated, assaulted, and defamed the Plaintiffs. The Plaintiffs further alleged that agents of the Company conspired with officers of the Perryton Police Department to violate the civil rights of the Plaintiffs.

11. On January 12, 2008, Defendant Lewis drove to the RV park where the McCaas were living in Perryton to speak with Ms. McCaa. Defendant Lewis told Ms. McCaa that Andrea Hooper claimed Angela McCaa threatened her children by phone. This allegation was false. Inside the Company, Defendant Hooper had a well-earned reputation for creating problems, sabotaging other employees and spreading false rumors. Defendant Hooper also boasted of her sexual promiscuity, and she claimed to have a relationship with a Perryton law enforcement officer.

12. Defendant Lewis returned to the RV park several times during the day, even though Ms. McCaa had no further contact with Defendant Hooper. According to video and audio recordings produced by the City of Perryton, Defendant Lewis barged into the residence of the McCaas without a search warrant and threatened and harassed the McCaas. Defendant Lewis said he was going to arrest Ms. McCaa, then changed his position when Mr. McCaa asked to see a warrant. The Plaintiffs left their trailer around midnight and drove two-and-a-half hours to Amarillo in icy conditions to avoid further harassment from Defendant Lewis.

13. The Plaintiffs returned to Perryton on Sunday, but Mrs. McCaa stayed in a hotel in town to avoid further harassment and/or arrest. Mr. McCaa returned to the RV park with Randy Reed and Richard Paradise to load the Plaintiffs' belongings and move. Defendant Lewis returned to the RV park and ordered Mr. McCaa to leave town. On information and belief, the Plaintiffs allege that Defendant Lewis acted at the behest of Defendant Hooper.

Claims

Count One: 42 U.S.C. § 1983

14. All previous paragraphs are incorporated herein by reference.

15. Defendant Lewis, acting under color of law, violated the civil rights guaranteed

the Plaintiffs by federal law, including the Plaintiffs' Fourth and Fourteenth Amendment rights. Defendant Lewis thereby violated 42 U.S.C. § 1983 and are liable to the Plaintiffs for damages.

16. Defendant Hooper, acting as an agent of the Easterlings and the Company, conspired with Defendant Lewis to violate the civil rights of the Plaintiffs. Accordingly, all the Defendants are liable to the Plaintiffs for Defendant Lewis's unlawful acts.

Prayer for Relief

Wherefore, the Plaintiffs request that this Court:

- a. Award compensatory damages against the Defendants;
- b. Award punitive damages against the Defendants;
- c. Award costs of this action to the Plaintiffs;
- d. Award reasonable attorney fees and costs to the Plaintiffs;
- e. Award all other relief to which the Plaintiffs are entitled.

Respectfully submitted,

/s/ William R. McKinney

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JURY TRIAL DEMANDED